

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BEDROCK COMPUTER)
TECHNOLOGIES LLC,)
Plaintiff,)
v.)
SOFTLAYER TECHNOLOGIES, INC.,)
CITIWARE TECHNOLOGY SOLUTIONS,)
LLC, GOOGLE INC., YAHOO! INC.,)
MYSPACE INC., AMAZON.COM INC.,)
PAYPAL INC., MATCH.COM, LLC., AOL)
LLC, and CME GROUP INC.,)
Defendants.)
)

))
CASE NO. 6:09-CV-00269
Hon. Leonard E. Davis
)

))
JURY TRIAL DEMANDED
)

**GOOGLE'S MOTION FOR LEAVE TO FILE
NOTICE OF SUPPLEMENTAL FACTS REGARDING DEFENDANTS' MOTION TO
COMPEL PLAINTIFF TO COMPLY WITH PATENT RULE 3-1 AND TO EXTEND
THE TIME TO SERVE INVALIDITY CONTENTIONS**

On February 19, 2010, a month after Bedrock filed its Surreply (Dkt. No. 162) in opposition to Defendants' Motion to Compel Plaintiff to Comply with Patent Rule 3-1 (Dkt. No. 133), Bedrock served a response to Google's Interrogatory No. 7. In response to Google's Interrogatory No. 7, Bedrock provided new infringement contentions for Google (but not the other Defendants), identifying lines of source code it contends infringe the asserted claims for many (but not all) of the claim limitations. Bedrock's response to Google's interrogatory seriously undermines its arguments in opposition to Defendants' Motion to Compel. Google, therefore, seeks leave of the Court to submit a brief, four-page Supplemental Notice along with supporting exhibits, filed concurrently herewith, so that the Court may consider this new development when ruling on Defendants' Motion to Compel. Good cause exists to submit the Supplemental Notice since Bedrock only served the response to Google's interrogatory a month after it served its Surreply in which it denied that it could or should provide more detailed infringement contentions. Accordingly the Court should grant Google's Motion for Leave to File a Notice of Supplemental Facts.

Dated: March 4, 2010

Respectfully submitted,

By: /s/ Michael E. Jones

Michael E. Jones
State Bar No. 10929400
POTTER MINTON
110 N. College
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846
Email: mikejones@potterminton.com

Claude M. Stern
Todd M. Briggs
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP
555 Twin Dolphin Dr., Suite 560
Redwood Shores, CA 94065
Telephone: 650-801-5000
Facsimile: 650-801-5100
Email: claudestern@quinnmanuel.com
Email: toddbriggs@quinnmanuel.com

*Attorneys for Defendants Google, Inc. and
Match.com LLC*

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Google Inc. have satisfied the meet and confer requirements of Local Rule CV-7(h). The personal conference requirement of Local Rule CV-7(h) has been met. On March 3, 2010, Todd Briggs, counsel for Google, met and conferred by telephone with Austin Curry of McKool Smith, PC, counsel for Bedrock Computer Technologies LLC regarding the relief requested in the foregoing motion. In that conference, we discussed our clients' positions. Bedrock disagreed with Google that its interrogatory response was the proper subject of a supplemental notice. These discussions conclusively ended in an impasse regarding the issues in the motion.

/s/ Michael E. Jones

Michael E. Jones

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this **MOTION FOR LEAVE TO SUBMIT NOTICE OF SUPPLEMENTAL FACTS REGARDING DEFENDANTS' MOTION TO COMPEL PLAINTIFF TO COMPLY WITH PATENT RULE 3-1 AND TO EXTEND THE TIME TO SERVE INVALIDITY CONTENTIONS**, via the Court's CM/ECF system per Local Rule CV-5(a)(3) and electronic mail on March 4, 2010. Any other counsel of record was served via First Class Mail.

/s/ Michael E. Jones

Michael E. Jones